

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARCOS MONZON-RIVAS,
a/k/a Luis Mellan-Rivera,

Defendant.

8:10CR395

ORDER

Defendant Marcos Monzon-Rivas, also known as Luis Mellan Rivera, (Monzon-Rivas) appeared before the court on March 26, 2014, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 41). Monzon-Rivas was represented by Christopher Roth and the United States was represented by Assistant U.S. Attorney Susan T. Lehr. Through his counsel, Monzon-Rivas waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and Monzon-Rivas should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp.

The government moved for detention. Through counsel, Monzon-Rivas declined to present any evidence or request a hearing on the issue of detention. Since it is Monzon-Rivas's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Monzon-Rivas has failed to carry his burden and that Monzon-Rivas should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:00 a.m. on May 12, 2014**. Defendant must be present in person.

2. Defendant Marcos Monzon-Rivas, also known as Luis Mellan-Rivera, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 26th day of March, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge